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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY AVERAGE
WHOLESALE PRICE LITIGATION

MDL No. 1456

C.A. No. 01-12257-PBS

THIS DOCUMENT RELATES TO:

Judge Patti B. Saris

ALL ACTIONS

**AMENDED¹ MOTION TO WITHDRAW MOTION TO ENFORCE
SETTLEMENT WITH BMS FILED BY REV. DAVID AARONSON AND
OBJECTION TO THE PROPOSED BMS SETTLEMENT**

In light of certain changes to the consumer settlement as well as a private individual settlement reached between Class Counsel and Rev. David Aaronson, who had previously served as the court-appointed named class representative for the Class I consumer Sub-Class of Medicare beneficiaries who purchased drugs manufactured and sold by Bristol Meyers Squibb (“BMS”), undersigned individual counsel for Rev. Aaronson hereby moves to withdraw the Motion to Enforce Settlement with BMS and the objection to the proposed BMS settlement, and in support thereof avers as follows:

1. Pursuant to the Court’s January 30, 2006 “Consolidated Order re: Motion for Class Certification,” the Aaronsons [Sue Ruth (deceased) and Reverend David] were appointed as the individual consumer class representatives for the certified nationwide sub-class of Medicare beneficiaries who purchased BMS Subject Drugs.

2. On June 25, 2007, weeks before the consumer class’ claims were due to be tried in this Court, BMS and Class Counsel entered into a written Memorandum of Understanding

¹ The Motion to Withdraw filed yesterday, May 2, 2011, Dkt. No. 7529, has been amended herein to include a fully executed version of the Individual Settlement attached hereto. No other changes have been made.

5/5/2011 after hearing
all actions
done
Sue B. Saris
Enclosed